

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(Boston Division)

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

V.

STEVEN E. NOTHERN,

Defendant.

Civil Action No. 05-10983 (NMG)

ORAL ARGUMENT REQUESTED

**DEFENDANT'S MOTION
TO TAKE SUPPLEMENTAL DEPOSITIONS**

For the limited purpose of establishing the admissibility of certain newly-disclosed evidence that is critical to the claims and defenses in this action – and without amendment of any other deadline in the existing schedule for this case – defendant Steven E. Nothorn respectfully requests that the Court grant him leave to depose Derek Kehoe, Robert Sbarra, and Patrick Haskell and to reopen the deposition of Paul Malvey.

In support of this motion, Nothern relies on a supporting memorandum of law and the Declaration of Robert E. Toone (with attached exhibits) filed herewith.

STEVEN E. NOTHERN

By his attorneys,

/s/ John A. Shope

Nicholas C. Theodorou, BB0 #495730

John A. Shope, BBO #562056

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CERTIFICATION PURSUANT TO LOCAL RULES 7.1(A)(2) AND 37.1

I, John A. Shope, hereby certify that in a series of conferences beginning on March 18, 2008, I conferred with counsel for the SEC and attempted in good faith to, and to some extent did, resolve or narrow the issues raised in the present motion, but did not succeed in resolving the issue completely.

/s/ John A. Shope

Dated: March 21, 2008

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ John A. Shope